

Ask the Embassy  
April 14, 2010

This week's column features a combination of several readers' general questions about nonimmigrant visas, including:

- What are the qualifications for a nonimmigrant, visitor's visa?
- In cases where visas are due to expire in a next few months, when should applicants reapply for a visa?
- Where can applicants apply for a visa?
- How can visa-holders know if their visas are still valid?

### **Visa Qualifications**

In general, individuals applying for a visa for the first time must demonstrate to the interviewing officer that they overcome the concept of immigrant intent, meaning that they have strong enough connections to their home country to cause them to return after a temporary stay in the United States. These connections can be through one's employment, family, church, or other social groups. The consular officers make decisions based on their level of confidence in the applicant, the information provided, and the stated travel plans.

In a renewal application, the interview process is very similar to a first-time application. In renewal cases, consular officers consider several things:

1. **Use of a previous visa**—This includes looking at frequency of travel, duration of trips, and at how travel patterns fit into an applicant's overall social and economic situation. There are no exact measurements of good use of a visa and the goal is simply to ensure that travel makes sense. If applicants are unable to explain the frequency or duration of their trips to the United States, the interviewing officer will consider this as part of the renewal application. Before renewing a visa, officers weigh whether an applicant will use a new visa in accordance with the terms outlined in U.S. immigration law.
2. **Current and former situation**—This includes looking at an applicant's economic, familial, and social situation when the applicant was previously issued a visa and comparing it to the current situation. Consular officers understand that situations can change, so they look at numerous factors in each application. Illness, family issues, or employment status can prevent a person from traveling on a visa. Applicants should explain this information to officers, so they understand why there hasn't been recent travel. Also, in

these situations consular officers need to understand how a situation has changed since the previous application, and whether changes affect the applicant's qualifications for a visa.

3. **Immigration and criminal history**—This includes checking for any immigration or criminal violations, which may have taken place within the validity period of the previous visa. Consular officers have access to a wide variety of information, and encourage all applicants to be forthcoming on their applications, specifically when answering questions about previous arrests or deportations. Officers seek to understand when a crime was committed, the severity of the crime, and the possibility of a repeat crime in the U.S. or elsewhere if they issue a visa.

Both first-time and renewal applicants must show that they will abide by the terms of a visa and that they are not intending to immigrate to the United States. Officers are trained to evaluate applications and conduct interviews with a view to understanding individual situations and determining if applicants qualify for a visa. Individuals applying to renew their visas should bring their current and former passports to the interview and be prepared to discuss their use of previous visas, their current situation, and any criminal or immigration issues.

### **When to Apply**

At this time, the current wait period for scheduling an appointment for a nonimmigrant visa interview is between a few days and a month, depending on the type of visa. Applicants can apply to renew their visas **at any time**. If a visa is valid through September 2010, for example, and the applicant plans to travel in August, he or she may choose to schedule an appointment now to ensure that the appointment takes place and the application is processed before you're the intended travel. Information on scheduling an interview, as well as the necessary forms and documents, are listed on the website at:

[http://kingston.usembassy.gov/visa\\_services.html](http://kingston.usembassy.gov/visa_services.html). Please remember that all applicants are now required to complete the online nonimmigrant visa application, the DS-160, prior to their interviews. *Note: If, after trying, applicants are unable to upload a photo in their applications, they should complete the remainder of the form and bring passport-sized photos to their interviews.*

### **Where to Apply**

Applicants do not necessarily have to apply for a visa in Jamaica. U.S. Embassy consular officers in Jamaica are in the best position to evaluate Jamaican applicants and they give priority to Jamaican applicants, while officers of other U.S. embassies concentrate on the populations of the countries to which they are assigned. However, if an applicant has lived in another country for some time, he or she may find it more convenient and appropriate to apply at the U.S. embassy in that country.

### **Visa Validity**

In recent weeks, the U.S. Embassy has received numerous queries from individuals, who want to “check on the status” of their visas. The Embassy Consular Section usually issues 10-year tourist visas, which are valid until the date of expiration, unless they are misused or the visa-holder takes an action that changes his or her qualifications. The Consular Section must provide cancellation notice to visa-holders who are no longer considered eligible for visas or have misused them. In many cases, consular officials are able to make appointments with the visa-holder to discuss the cancellation and to ensure that they have the correct information and that the visa-holder understands the reasons for the decision. Because consular officers follow this process, they do not respond to queries about current visas. Unless a visa-holder has abused his or her visa, there is no need to verify its validity.